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TO RUEHC/SECSTATE WASHDC 0256  
INFO RUEHRL/AMEMBASSY BERLIN 0229  
RUCNFRG/FRG COLLECTIVE  
RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RUEHKH/AMEMBASSY KHARTOUM 0003  
RUEHGB/AMEMBASSY BAGHDAD 0006  
RUEHSM/AMEMBASSY STOCKHOLM 0003  
RUEHAM/AMEMBASSY AMMAN 0006  
RUEHCL/AMCONSUL CASABLANCA 0003  
RUEFHLC/DEPT OF HOMELAND SECURITY WASHINGTON DC  
RHMFIUU/DEPT OF JUSTICE WASHINGTON DC  
RUEHAG/AMCONSUL HAMBURG 0285

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SIPDIS

DEPARTMENT FOR EUR/CE, EUR/PPD, L/LEI, AND S/CT  
JUSTICE FOR BARBARA BERMAN AND PATRICIA REEDY  
DHS FOR MARK KOUMANS

E.O. 12958: N/A

TAGS: [PTER](#) [KJUS](#) [KVPR](#) [KHLS](#) [PREL](#) [ASEC](#) [GM](#)

SUBJECT: LAST AL QAEDA MEMBER FROM EL-HABHAB CELL CONVICTED

REF: A. A) HAMBURG 000008  
[1](#)B. B) HAMBURG 000002  
[1](#)C. C) DUSSELDORF 002  
[1](#)D. D) 07 HAMBURG 0052  
[1](#)E. E) 07 DUSSELDORF 0037  
[1](#)F. F) 07 BERLIN 1398

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[1](#)1. (SBU) SUMMARY: On September 24, the Higher Regional Court (OLG) in Schleswig found Moroccan national Abdelali Miftah guilty of supporting Al Qaeda in Iraq through the recruitment and trafficking of three Islamist fighters during the period between the beginning of June 2006 and July 6, 2006. He was also found guilty of aiding and abetting the foundation of a foreign terrorist organization in Sudan. The court sentenced him to four years in prison. Miftah was the last accomplice of the terrorist cell surrounding Redouane El-Habhab to be convicted by this court (Refs. A and B). Miftah has appealed the verdict before the German Federal Supreme Court (BGH). The defense has until year's end to prepare the written reasons for its appeal. Germany currently has no plans to deport Miftah to Morocco. END SUMMARY.

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Background and Arrest  
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[1](#)2. (SBU) Miftah was born on September 29, 1982 in Tetouan/Morocco. He has six siblings. His parents live in Belgium as Belgian citizens. He was arrested in Sweden on March 3, 2007. Based on a March 26, 2007 European arrest warrant he was transferred to an extradition detention facility and extradited to Germany on May 15, 2007. The Schleswig OLG established jurisdiction for the case by showing that the crimes, in particular those committed by El-Habhab, with whom Miftah was cooperating, were committed in Germany in the period between the beginning of June 2006 and July 6, 2006.

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No Small Fish, But Not Prominent Either  
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[1](#)3. (SBU) Miftah was convicted of supporting Al Qaeda in Iraq by recruiting and trafficking three Islamist fighters. The court found him guilty of assisting the foundation of a Sudanese

terrorist organization because he pledged financial support and acquired additional money. As opposed to Thaer Alhalah, whom the chief judge dubbed the "finance minister" of the cell around El-Habhab (Ref. B), Miftah was not singled out for having performed a particularly crucial role within the organization. The OLG based its decisions on three factors: (1) credible testimony, particularly by Swedish Security Police interrogators; (2) Miftah's admitted on-line identity as "salimmohammad;" and (3) digital subscriber line (dsl) protocols. Miftah's denial of the charges throughout the proceedings contributed to a lengthier penalty. However, the judge considered Miftah's lack of a prior criminal record favorably.

14. (U) This message has been coordinated with Embassy Berlin.

JOHNSON